

Declaration for Patent Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

APPARATUS AND METHOD FOR DETECTING AN ANALYTE

the specification of which (check one)

- ☒ is attached hereto.
- ☐ was filed on _____ as United States Application Serial No. or PCT International Application No. _____ and was amended on (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s): NONE

Number	Country	Day/Month/Year	Priority Claimed Yes/No
_____	_____	_____	_____

I hereby claim benefit under Title 35, United States Code, §119(e) of any United States provisional applications listed below: NONE

Provisional Application Number	Filing Date
_____/_____	_____

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information material to the patentability of this application as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U.S. Applications: NONE

Serial No.	Filing Date	Status (patented, pending, abandoned)
_____	_____	_____

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Send all correspondence to:

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PATENT TRADEMARK OFFICE

Direct Telephone Calls to:

Morgan S. Heller II at (802) 863-2375

(1) Full Name of Inventor: Michael S. Head
Signature: [Signature]
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(2) Full Name of Inventor: John Cronin
Signature: [Signature]
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(3) Full Name of Inventor: Mark Burgess
Signature: [Signature]
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(4) Full Name of Inventor: Cynthia Timblin
Signature: Cynthia Timblin
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BTV/230470.1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: Michael S. Head

Serial No.: Not yet assigned

Filed: Herewith

Title: Apparatus and Method for Detecting an Analyte

Examiner: Not yet assigned

Group No.: Not yet assigned

Attorney Docket No.: 09987-00002

**POWER OF ATTORNEY BY ASSIGNEE AND
CERTIFICATION UNDER 37 CFR 3.73(b)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that to the best of my knowledge and belief I am the assignee of the entire right, title and interest in and to the above-referenced patent application.

I have reviewed the assignment document that evidences the placement of title in my name, a true and accurate copy which is attached hereto, and understand and believe that this assignment document will be or has been submitted for recordation in the U.S. Patent and Trademark Office.

I hereby appoint on my behalf the following patent attorneys to prosecute the patent application identified above and to transact all business in the Patent Office connected therewith:

Lawrence H. Meier, Esq.
DOWNS RACHLIN MARTIN PLLC
USPTO Customer No. 21918

Pursuant to 37 C.F.R. § 3.71, the I hereby state that prosecution of the above-referenced patent application is to be conducted to the exclusion of the inventors.

P226-6/03

Send all correspondence relating to this matter to:

Morgan S. Heller, Esq.
DOWNS RACHLIN MARTIN PLLC
Customer No. 21918

Direct all telephone calls to Morgan S. Heller at 802-846-8317.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signed this 5 day of November, 2003.



Michael S. Head
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BTV/240359.1